

# San Francisco Chronicle

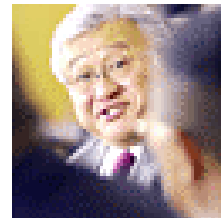
NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

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## Ex-POWs fight for right to sue Japanese companies, U.S. say rights were waived in '51 pact

By Edward Epstein, Chronicle Washington Bureau

**Washington** -- Rep. Mike Honda, an earnest freshman congressman from San Jose, is learning a tough lesson about Washington: Even what some call a righteous and sensible idea with bipartisan backing can run up against unyielding opposition from powerful interests.



So Honda soldiers on, trying to gain passage of his proposal to finally give a dwindling band of elderly American POWs who toiled as World War II slave laborers in Japan the right to sue and gain an apology from the corporations that profited off them.

Standing in his way are the U.S. State Department, the Japanese government and powerful Japan-based multinationals, such as the Mitsubishi and Mitsui groups.

There is the faintest glimmer of hope for the idea, however. A House Judiciary subcommittee has finally scheduled a hearing for Wednesday on the bill that Honda, a liberal Democrat, is co-sponsoring with Rep. Dana Rohrabacher, R-Huntington Beach, one of the House's most conservative members. Similar Senate legislation, co-sponsored by Sen. Dianne Feinstein, D-Calif., also has been going nowhere.

"These guys survived the Bataan Death March," said Honda, a 61-year-old Japanese American who, with his parents, was interned by the U.S. government during World War II. "They survived the 'hell ships' that took them to Japan. They survived years of slave labor in Japan. And now they are surviving our judicial system."

At issue is the 1951 San Francisco Peace Treaty that Japan signed to formally end World War II with the United States and the other allied powers. The pact, signed while Washington was trying to get Japan back on its feet and turn it into an anti-Communist bulwark in Asia, waived Americans' rights to sue for violations of human rights during the war.

Some POWs got small amounts of reparation under the treaty, but the records are incomplete, and the slave laborers who are suing say they never saw a dime.

Nobody suffered more than the 70,000 Americans and Filipino prisoners who surrendered to the Japanese at Bataan and Corregidor in April 1942. Thousands were killed or died of hunger and thirst on their march into captivity. Then an estimated 26,000 Americans were shipped to Japan to toil as slave laborers, mainly in mines, for Japanese companies.

About 60 percent survived their three years of captivity, said David Casey, a San Diego attorney who is helping the ex-POWs. About 2,000 survive today, and the youngest is about 80 years old.

"When they were 17 years old they volunteered, and they ended up in the Philippines," Honda said. "They had to surrender, but they didn't like it one bit. This bill is not about bashing Japan or bashing Asian Americans. It's about giving our POWs their day in court."

Honda has been at the issue for some time. In 1999, as a state assemblyman, he helped pass a California law giving the POWs the right to sue.

But that law is tied up in court. U.S. District Judge Vaughn R. Walker in San Francisco has ruled it unconstitutional, while an Orange County local judge has upheld it. Both rulings are now being appealed, Casey said, so the POWs are still waiting.

As a green freshman, Honda had a season of hope last year when Congress took up the State Department appropriations bill. He walked on to the House floor one day and discovered that the more-senior Rohrabacher was pushing through an amendment that barred the department from using any public funds to oppose the POWs in court.

It passed the House and the Senate overwhelmingly, and Honda thought he had momentum on his side. But mysteriously, the Rohrabacher amendment disappeared as a final version of the legislation was put together by House and Senate conferees.

Maybe it wasn't such a mystery. While the amendment was in conference, the foreign policy establishment swung into action. Three former U.S. ambassadors to Japan lobbied against it, saying that breaking the San Francisco treaty would have terrible consequences for relations with Japan and would raise questions about the durability of other treaties.

The State Department and Japanese representatives also worked against it.

Since then, Honda has buttonholed senior Republicans, practically begging for at least a hearing on his bill before the 107th Congress adjourns, which would force he and Rohrabacher to reintroduce their measure next year. "At times they didn't give me much hope," he said.

But now the first hearing is set, although no vote is scheduled. So in all likelihood, Honda will have to reintroduce his bill next year.

Former-POW George Cobb of San Jose said the news the bill would finally get an airing was bittersweet.

"Congressman Honda's trying. That's all you can do," said the 82-year-old Navy veteran, who toiled for a year in a copper mine run by a unit of Mitsubishi. He is among those suing in California.

"But they'll push it aside like they normally do," he added. "They don't want to act on anything that they think is forgotten, like we are."

For Cobb, the federal government's opposition is just too much to bear. "I hate our government's guts, personally," he said. "When they signed away my rights to sue these companies, they used me."